PLAINTIFF'S EXHIBIT

DOW-2121

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FACT SHEET:

FINAL RULE BANNING THE MANUFACTURE, PROCESSING, IMPORTATION AND DISTRIBUTION IN COMMERCE OF MOST ASBESTOS PRODUCTS

SUMMARY OF ACTION

The final Asbestos Ban and Phaseout Rule prohibits the manufacture, processing, and importation of most asbestos products at staged intervals over seven years. Distribution in commerce is prohibited for products banned in the first stage two years after the effective date of the first stage ban. For products banned in the second and third stages, distribution in commerce is prohibited one year after the effective dates of each of the second and third stage bans.

As part of EPA's overall strategy to prevent environmental pollution, this action will reduce long-term asbestos contamination by phasing out most asbestos products which account for major releases of asbestos. Given the long history of asbestos usage in our society and its ongoing release throughout the life cycles of products, asbestos has become a ubiquitous environmental contaminant. This banning action is unique in that it will help break the cycle of asbestos loading in the environment. Unlike other regulations which are limited to remedial actions, this ban will go far in preventing future asbestos exposure risks to human health and the environment.

This strategy is based on recognized human health risks, the exposure potential to asbestos in products throughout their life cycle, the availability of substitutes, and the likely development of additional safer and less costly substitutes during the phaseout period.

The final rule will eventually ban about 94% of asbestos use in the U.S., based on 1985 production volume estimates.

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STAGED BAN APPROACH

The rule prohibits, at staged intervals, the future manufacture, importation, processing, and distribution in commerce of certain asbestos products. Manufacture, importation, and processing is banned for products in the first stage ban one year after the rule becomes effective (i.e. in 1990), after four years for products in the second stage ban (1993), and after seven years for products in the third stage ban (1996). The distribution in commerce ban becomes effective two years after the manufacture, importation and processing ban for products in the first stage (1992); and after one year for products in the second and third stages (1994 and 1997 respectively).

A listing of the products and the respective stages of their ban appears below:

First Stage Ban

Manufacture, Importation, and Processing

One Year After Effective Date of Rule (1990)

Felt products
- Pipeline wrap
- Roofing felt
- Flooring felt

Asbestos/Cement (A/C) Products
- A/C sheet, corrugated
- A/C sheet, flat

Products out of use
- Vinyl/Asbestos floor tile
- Asbestos clothing

Distribution in Commerce Ban for Products in First Stage Ban becomes effective two years after the manufacture, importation, and processing ban (1992).

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Second Stage Ban

Manufacture, Importation, and Processing

Four Years After Effective Date of Rule (1993)

Friction Products
- Drum brake linings (Original Equipment Market (OEM))
- Disc brake pads for light- and medium-weight vehicles (LMV) (OEM)
- Disc brake pads for heavy-weight vehicles (HV) (OEM)
- Clutch facings
- Automatic transmission components
- Industrial and commercial friction products

Gaskets
- Beater-add gaskets (except certain industrial uses)
- Sheet gaskets (except certain industrial uses)

Distribution in Commerce Ban becomes effective one year after the second stage of the manufacture, importation, and processing ban (1994).

Third Stage Ban

Manufacture, Importation and Processing

Seven Years After Effective Date of Rule (1996)

Coatings
- Roof coatings
- Non-roof coatings

Paper Products
- Commercial paper
- Roilboard
- Millboard
- Corrugated paper
- Specialty paper

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Friction Products
- Brake blocks (OEM)
- Brake blocks (Aftermarket (AM))
- Drum brake linings (AM)
- Disc brake pads, LMV (AM)
- Disc brake pads, HV (AM)

A/C Products
- A/C pipe
- A/C shingle

Distribution in Commerce Ban becomes effective one year after the third stage of the Manufacture, Importation, and Processing Ban (1997).

Products Outside the Ban

The following asbestos products are not banned by the rule. They constitute a relatively small percentage of asbestos use (approximately 6% of U.S. asbestos consumption). These products are not only costly to ban because of the unavailability of reasonable-cost, suitable substitutes, but the release of asbestos over their life cycle does not result in particularly high exposure concerns in most cases relative to the products that are banned by this rule:

- o acetylene cylinders
- o arc chutes
- o asbestos diaphragms
- o battery separators
- o high-grade electrical paper
- o missile liners
- o reinforced plastic
- o sealant tape
- o asbestos thread
- o packings
- o certain industrial uses of both sheet gaskets and beater-add gaskets

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